

18.400: LAND DIVISION LEGISLATIVE NOTES

The Land Division section contains three chapters: Lot Line Adjustment (18.410), Land Partitions (18.420) and Subdivisions (18.430).

The major changes in these chapters are as follows:

- Because it is a more minor procedure involving the moving of a common boundary between two already-existing lots, lot line adjustment has been separated from partition regulations. Currently, these are consolidated in one chapter, 18.162. In the revised code, lot line adjustments require a simple Type I review to ensure that the re-configured lots still meet the dimensional requirements of the underlying zoning district.
- At the request of the Community Development Department staff, the distinction between minor and major partitions has been eliminated. Although both have up to three lots, the major partition also contains a street. Otherwise, the review process and approval criteria for both types of partition are the same. For this reason, Chapter 18.420 is renamed “Partitions.” In the revised code, partitions require a Type II review, which permits the Director to attach conditions of approval and provides an opportunity for neighbors to comment.
- With regard to subdivisions:
 - In the revised code, subdivisions are subject to Type II administrative review, rather than the current review process which requires a public hearing before the Hearings Officer. This change was prompted by Community Development Department staff because the requirements for subdivisions are so prescribed by the underlying zoning district and street/utility improvement requirements that there is little discretion remaining. Moreover, subdivisions are rarely, if ever, appealed. The Type II procedure permits the Director to attach conditions to the approval and provides an opportunity for neighbors to review and appeal. On the other hand, planned developments (Chapter 18.350) can vary significantly from the underlying requirements with regard to lot size, setbacks, building orientation, mix of uses and other factors. For this reason, subdivisions which come in as planned developments are treated at Type III applications, subject to approval by the Planning Commission.
 - The revised code does permit “lot averaging” (18.430.020D) whereby the average lot size may not be less than the minimum size dictated by the underlying zoning district but individual lots may be smaller if offset by lots which exceed the minimum. Under this provision, no lot may be less than 80% of the minimum lot size permitted in the underlying zone. This provision is necessary to provide some flexibility with odd-shaped parcels, where providing uniform-sized lots is not feasible.■